

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

Denise Carlon, Esq.  
KML Law Group, PC  
216 Haddon Avenue, Suite 406  
Westmont, NJ 08108  
Attorney for Movant

In Re:  
Swirniuk, Joleyn F. Swirniuk, Michael P.



**Order Filed on September 20, 2016  
by Clerk**

**U.S. Bankruptcy Court  
District of New Jersey**

Case No:

16-20537-ABA

Chapter: 7

Hearing Date: September 20, 2016

Judge: Andrew B. Altenburg Jr.

Recommended Local Form:

☐

Followed


☐

Modified

**ORDER VACATING STAY**

The relief set forth on the following page is hereby ordered **ORDERED**.

**DATED: September 20, 2016**

  
\_\_\_\_\_  
Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

Upon the motion of MANUFACTURERS AND TRADERS TRUST COMPANY ALSO

KNOWN ASM&T BANK SUCCESSOR BY MERGER TO HUDSON CITY SAVINGS BANK, FSB,  
under  
Bankruptcy Code section 362(a) for relief from the automatic stay as to certain property as  
hereinafter set forth, and for cause shown, it is

ORDERED that the automatic stay is vacated to permit the movant to institute or resume  
and prosecute to conclusion one or more actions in the court(s) of appropriate jurisdiction to  
pursue the movant's rights in the following:

☒ Real Property More Fully Described as:

**Land and premises commonly known as 21 Jaimi Drive, Franklin Township NJ  
08328**

☐ Personal Property More Fully Describes as:

It is further ORDERED that the movant may join the debtor and any trustee appointed in  
this case as defendants in its action(s) irrespective of any conversion to any other chapter of the  
Bankruptcy Code.

It is further ORDERED that the movant, its successors or assignees, may proceed with its  
rights and remedies under the terms of the subject Mortgage and pursue its State Court remedies  
including, but not limited to, taking the Property to Sheriff's Sale, in addition to potentially  
pursuing other loss mitigation alternatives, including, but not limited to, a loan modification,  
short sale or deed-in-lieu foreclosure. Additionally, any purchaser of the Property at Sheriff's  
Sale (or purchaser's assignee) may take any legal action for enforcement of its right to  
possession of the Property.

The movant shall serve this order on the debtor, any trustee and any other party who  
entered an appearance on the motion.

**Certificate of Notice Page 3 of 3**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Michael P. Swirniuk  
Joleyn F. Swirniuk  
Debtors

Case No. 16-20537-ABA  
Chapter 7

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Sep 20, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 22, 2016.  
db/jdb #+Michael P. Swirniuk, Joleyn F. Swirniuk, 21 Jaimi Dr., Malaga, NJ 08328-4145

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 22, 2016

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 20, 2016 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor MANUFACTURERS AND TRADERS TRUST COMPANY ALSO KNOWN  
ASM&T BANK SUCCESSOR BY MERGER TO HUDSON CITY SAVINGS BANK, FSB dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com

Ira Deiches on behalf of Debtor Michael P. Swirniuk ideiches@deicheslaw.com

Ira Deiches on behalf of Joint Debtor Joleyn F. Swirniuk ideiches@deicheslaw.com

John W. Hargrave on behalf of Trustee John W. Hargrave trustee@hargravelaw.com,  
jhargrave@ecf.epiqsystems.com;jwh@trustesolutions.net

John W. Hargrave trustee@hargravelaw.com, jhargrave@ecf.epiqsystems.com;jwh@trustesolutions.net  
TOTAL: 5